

880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

“(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

“(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

“(c) Nothing in this section shall be construed to permit the prosecution—

“(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

“(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

“(3) of any woman with respect to her unborn child.

“(d) In this section, the term ‘unborn child’ means a child in utero, and the term ‘child in utero’ or ‘child, who is in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

“919a. Art. 119a. Causing death of or bodily injury to unborn children.”.

The SPEAKER pro tempore. After 2 hours of debate on the bill, as amended, it shall be in order to consider an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered read and shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 60 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 503, the Unborn Victims of Violence Act of 2001. Under current Federal law, an individual who commits a Federal crime of violence against a pregnant woman receives an additional punishment for killing or injuring that woman's unborn child during the commission of the crime. As a result, except in those States that recognize unborn children as victims of such crimes, injuring or killing an unborn child during the commission of a violent crime has no legal consequence whatsoever.

This deficiency in the law is especially troubling, considering the findings of a recent study of women in Maryland published in the March 21, 2001, issue of the Journal of the American Medical Association. The authors of this study found that homicide is likely the leading cause of death among women who are pregnant or were recently pregnant.

Another recent study of autopsies performed on women here in the District of Columbia revealed that an inordinate number of women who died of violence were also pregnant. This study prompted a call for an investigation by the General Accounting Office and the FBI.

Mr. Speaker, H.R. 503, the Unborn Victims of Violence Act of 2001, was designed to correct this deficiency in Federal law by providing that an individual who injures or kills an unborn child during the commission of certain predefined violent Federal crimes may be punished for a separate offense. The Subcommittee on the Constitution held a hearing on virtually identical legislation during the 106th Congress, and the bill passed the House with strong bipartisan support on September 30, 1999, by a vote of 254 to 172.

During the current Congress, the Subcommittee on the Constitution held a hearing on this legislation on March 15, 2001. The subcommittee held a markup on the legislation on March 21, 2001, and reported the bill without amendment by a voice vote. On March 28, 2001, the full Committee on the Judiciary held a markup and favorably reported H.R. 503, without amendment, by a recorded vote of 15 to 9.

Under the act, the punishment for an offense against the unborn child will be the same punishment that would have been imposed under Federal law had that conduct resulted in the same injury to the mother. For example, if an individual assaults a Federal official in violation of 18 United States Code Section 111, as a result of that assault kills the official's unborn child, the perpetrator may be punished for either second degree murder, voluntary manslaughter, or involuntary manslaughter, for killing the unborn child, the same punishment the individual would have received had the Federal official died as a result of the assault. By its own terms, the act does not apply to conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency.

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So this is not an abortion bill. The act does not permit prosecution of any person for any medical treatment of the pregnant woman or her unborn child or the mother for any conduct with respect to her unborn child.

The Unborn Victims of Violence Act of 2001 will provide just punishment for criminals like Glendale R. Black of Wisconsin, who on February 8, 1992, brutally beat his wife, Terry Marciniak, who was 9 months pregnant with her unborn baby, Zachariah. Little Zachariah was just 4 days from being delivered from his mother's womb. At the hospital, Zachariah was delivered dead.

At that time, Wisconsin did not have an unborn victims law like H.R. 503, so Black was convicted of only assault and is already eligible for parole.

The bill would also provide punishment for criminals like Reginald Anthony Falice, who on April 28, 1998, shot his 8-month-pregnant wife, Ruth Croston, at least five times as she sat at a red light in Charlotte, North Carolina. Falice was convicted by a Federal jury for interstate domestic violence and using a firearm in the commission of a violent crime, but because Federal law did not currently recognize the unborn as victims, he received no additional punishment for killing the near-term infant.

Ms. Croston's brother, William Croston, testified before the Subcommittee on the Constitution regarding the tragic death of his sister and the failure of Federal law to recognize the murder of his unborn niece.

Or criminals who planted a bomb just outside of Tammy Lynn Baker's apartment in Louisa, Virginia. Ms. Baker was near term with her unborn child when the bomb exploded on December 3, 1997, killing her and the child.

Nearly 3 years later, Coleman Johnson, the unborn child's father, was arrested on a Federal explosives charge for the death of Ms. Baker and is awaiting trial. His charges do not include the murder of his unborn child.

A similar incident occurred in Connelville, Pennsylvania on January 1, 1999, when Deanna Mitts, who was 8 months pregnant, returned home from a New Year's Eve celebration with her 3-year-old daughter, Kayla. A bomb exploded in her apartment, killing Ms. Mitts, Kayla, and the unborn child.

Almost a year later, Joseph Minerd, the presumed father of the unborn child, was arrested for Deanna and Kayla's murder, but is not being held criminally liable for the harm caused to the unborn child.

This legislation would also ensure just punishment for criminals like Gregory Robbins, an airman at Wright-Patterson Air Force Base, in Ohio who wrapped his fist in a T-shirt to reduce the chance he would inflict visible bruises, and beat his 8-months pregnant wife in the face and abdomen, killing their unborn baby.

Military prosecutors were able to charge Robbins for death of the unborn child by assimilating Ohio's fetal homicide law through the Uniform Code of Military Justice. Had Mr. Robbins beaten his wife just across the river in Kentucky, a State which has no fetal homicide law, he would have received no additional punishment for killing the unborn child.

By enacting H.R. 503, Congress will ensure that criminals who commit violent acts against pregnant women are justly punished for killing unborn children or injuring them. Without this bill, crimes against these innocent victims will go unpunished.

I have given the Members of the House a list of several heinous crimes. It shows the need for this legislation. It shows specifically that killing an innocent unborn child should be prosecuted to the fullest extent of the law.